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DISTRIBUTION OF BLACKFEET, GROS VENTRE, AND ASSINIBOINE TRIBE JUDGMENT FUNDS

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

FIRST SESSION

ON

S. 1986

TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS AWARDED THE BLACKFEET AND GROS VENTRE TRIBES OF INDIANS AND THE ASSINIBOINE TRIBE OF THE FORT BELKNAP INDIAN COMMUNITY, AND OTHERS, IN DOCKETS NUMBERED 250-A AND 279-C BY THE UNITED STATES COURT OF CLAIMS, AND FOR OTHER PURPOSES

JANUARY 11, 1982

GREAT FALLS, MONT.

U.S. GOVERNMENT PRINTING OFFICE

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DISTRIBUTION OF BLACKFEET, GROS VENTRE, AND ASSINIBOINE TRIBE JUDGMENT FUNDS

JANUARY 11, 1982

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Great Falls, Mont.

The committee met, pursuant to notice, at 11 am., in the Civic Center, Great Falls, Mont., Senator John Melcher (acting chairman), presiding.

Present: Senator Melcher.

Staff present: Max Richtman, minority staff director.

Senator MELCHER. The Senate Select Committee on Indian Affairs is meeting this morning to hear testimony on S.1986, a bill I introduced in the Senate on December 16, 1981. The bill provides for the distribution of judgment funds awarded to three Montana tribes: The Blackfeet, the Assiniboine, and the Gros Ventre.

The claims underlying this judgment were filed with the Indian Claims Commission on August 9, 1951. The cases were transferred to the U.S. Court of Claims in 1978 and that court entered judgment against the United States on January 7, 1981, nearly 30 years after the claims were first filed. On January 23, 1981, funds were appropriated to satisfy the awards in the following amounts: $2,170,013 for the Assiniboine Tribe of Fort Belknap, $400,000 for the Blackfeet Tribe, and $2,094,987 for the Gros Ventre Tribe of Fort Belknap.

The Indian Judgment Fund Act of 1973 governs the use and distribution of Indian claims. The Bureau of Indian Affairs, under this act, is supposed to submit a distribution plan to Congress within 180 days after funds are appropriated. The Bureau can request an additional 90 days if necessary. Then, if neither the House nor the Senate disapprove the plan, it becomes effective in 60 days. When the Bureau of Indian Affairs does not, for whatever reason, submit a plan to Congress within the prescribed time limit, legislation is necessary to allow the Government to release the funds.

That is exactly what happened here: After a suit that took 30 years to settle, the funds were appropriated within 2 weeks. However, the Bureau did not submit an approved distribution plan to Congress within the required time, nor did they request an extension. This delay has meant that these tribes have had to wait an inordinate amount of time to collect money that is theirs.

S. 1986 would distribute the funds according to plans approved by the tribes themselves. In the case of both the Assiniboine and Gros Ventre Tribes, 80 percent of the funds will be distributed per capita to enrolled members and 20 percent will be utilized by the

treaty committees of each tribe for social and economic programs, including land acquisitions and local development projects.

I will press for early enactment of this bill after the Senate reconvenes on January 25, and I am hopeful that the House will act quickly as well.

I am going to submit for the record a description of this bill in the form of a memorandum that was prepared by the staff, as it gives a section-by-section analysis of the bill, plus all the background and the purpose.

We will also, at this point, submit for the record the entire bill so we will have it all in one package.

[The memorandum and bill follow:]

WILLIAM S. COHEN, MAINE, CHAIRMAN
BARRY GOLDWATER, ARIZONA
MARK ANDREWS, NORTH DAKOTA
SLADE GORTON, WASHINGTON
JOHN MELCHER, MONTANA
DANIEL K. INOUYE, HAWAII
DENNIS DE CONCINI, ARIZONA
TIMOTHY C. WOODCOCK, STAFF DIRECTOR
PETER S. TAYLOR, GENERAL COUNSEL

United States Senate
SELECT COMMITTEE ON INDIAN AFFAIRS
WASHINGTON, D.C. 20510

MEMORANDUM

PURPOSE

Funds to satisfy claims in dockets 250-A and 279-C were appropriated on January 23, 1981. However, the Bureau of Indian Affairs did not act on the formal distribution plans submitted by the tribes to the Billings Area Office from the Fort Belknap Agency office in Harlem, Montana. Under the time limit prescribed by the 1973 Indian Judgment Fund Act, the Bureau has 180 days after funds are appropriated to submit an approved plan to Congress; 90 day extension may be requested. Plans are effective in 60 days unless either the Senate or House disapproves the plan. In the case of dockets 250-A and 279-C the Bureau neglected to forward an approved plan to Congress within the required time limit. S. 1986 would provide for distribution of funds as set forth in the plans that were developed by the Tribes under the procedures of the distribution act of 1973.

BACKGROUND

Petitions in dockets 279-C and 250-A were filed with the Indian Claims Commission on August 9, 1951 under the Act of August 13, 1946. Docket 279-C was filed by the Blackfeet Tribe and the Gros Ventre Tribe against the United States for a general accounting of its management handling, and distribution of tribal money and other property. Docket 250-A was a similar claim filed by the Assiniboine Tribe. On December 5, 1969, the Claims Commission asked that the two actions be consolidated for trial and decision as a single case. The Commission transferred the claims to the Court of Claims as a single case on September 29, 1978. On December 18, 1980, the parties filed a stipulation for final judgment, with settlement in specific dollar amounts. The judgment award would cover all claims brought in both dockets but did not address a Blackfeet claim previously transferred to Docket 279-D.

On January 7, 1981, the Court of Claims ordered that judgment be entered against the United States in favor of the tribes as follows: For the Assiniboine Tribe of the Fort Belknap

Reservation -- $2,170,013; for the Blackfeet Tribe of the Blackfeet Reservation -- $400,000; and for the Gros Ventre Tribe of the Fort Belknap Reservation -- $2,094,987. Funds to satisfy the awards were appropriated on January 23, 1981.

The Indian Judgment Fund Act of October 19, 1973 governs the use and distribution of Indian claims. If the Bureau of Indian Affairs does not present a distribution plan to Congress within 270 days, including a 90-day extension, legislation must be submitted to distribute the funds. The tribes acted expeditiously to meet the requirements of the Act and the Fort Belknap Superintendent submitted the plans to the Area Office in Billings on June 18, 1981. The plans were then submitted to the BIA Central Office in Washington but were mislaid and no action was taken. After the 270 day deadline had passed, the Tribe notified Senator Melcher who requested BIA officials to draft a bill to incorporate the provisions for distribution developed by the Tribes.

Both the Assiniboine Tribe and the Gros Ventre Tribe of the Fort Belknap Reservation held general meetings and submitted resolutions proposing that the funds be divided so that 80 percent would be paid out per capita and 20 percent would be utilized for social and economic programming, including but not limited to land acquisitions and local reservation development projects. The Gros Ventre would limit distribution to those members who have one fourth (1/4) or more Gros Ventre blood.

The Blackfeet Tribe has agreed to utilize the entire $400,000 for tribal government operations and social and economic programs.

LEGISLATIVE HISTORY

S. 1986 was introduced by Senator Melcher on December 16, 1981, and referred to the Select Committee on Indian Affairs. The hearing today, January 11, 1982, is the first hearing on the measure.

SECTION-BY-SECTION ANALYSIS

Section 1. Authorizes the distribution of awards in dockets numbered 250-A and 279-C of the United States Court of Claims.

Section 2. Provides that the award of $400,000 to the Blackfeet Tribe in docket 279-C be held in trust and invested by the Secretary for the benefit of the members of the Blackfeet Tribe and authorizes the Tribe to use the funds for governmental operations and social and economic programs.

Section 3. Provides that the award of $2,170,013 to the Assiniboine Tribe of the Fort Belknap Reservation in docket 250-A be distributed:

(a) eighty percent per capita;

(b) twenty percent to the treaty committee of the Tribe for social and economic programs, including land acquisitions and development of local reservation projects.

Section 4. Provides that the award of $2,094,987 to the Gros Ventre Tribe of the Fort Belknap Reservation in docket 279-C be distributed:

(a) eighty percent per capita to persons of one-quarter degree Gros Ventre blood;

(b) twenty percent to the treaty committee of the Tribe for social and economic programs, including land acquisitions and development of local reservation projects.

Section 5. Provides that per capita shares shall be paid directly to living competent adults; shares to beneficiaries of deceased individuals and shares to minors under eighteen shall be paid in accordance with regulations and procedures established by the Secretary.

Section 6. Provides that none of the per capita funds or funds held in trust are subject to income tax nor shall they be counted as income in determining eligibility for assistance under the Social Security Act.

Section 7. Authorizes Secretary to prescribe rules and regulations to carry out this Act.

91-409 O - 82 - 2

II

97TH CONGRESS
1ST SESSION

S. 1986

To provide for the use and distribution of funds awarded the Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian Community, and others, in dockets numbered 250–A and 279–C by the United States Court of Claims, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16 (legislative day, NOVEMBER 30), 1981

Mr. MELCHER introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

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A BILL

To provide for the use and distribution of funds awarded the Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian Community, and others, in dockets numbered 250–A and 279–C by the United States Court of Claims, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of the law, the funds appropriated on January 23, 1981, in accordance with section 1302 of the Supplemental Appropriation Act (31 U.S.C. 724a), in satisfaction of a judgment awarded to the

Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Reservation in dockets numbered 250–A and 279–C of the United States Court of Claims (less attorney fees and litigation expenses), including all interest and investment income accrued, shall be distributed and used as herein provided.

SEC. 2. The funds appropriated to the Blackfeet Tribe of the Blackfeet Reservation, Montana, in docket numbered 279–C, amounting to $400,000, shall be held in trust and invested by the Secretary of the Interior (hereinafter "Secretary") for the benefit of the members of the Blackfeet Tribe. The governing body of such tribe is authorized to utilize such funds on a budgetary basis, subject to the approval of the Secretary, for governmental operation and social and economic programs.

SEC. 3. The funds appropriated to the Assiniboine Tribe of the Fort Belknap Reservation, Montana, in docket numbered 250–A, amounting to $2,170,013 shall be used and distributed as follows: *Provided,* That no person shall be eligible to share in more than one award in his own right.

(a) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all persons duly enrolled as Assiniboine members of the Fort Belknap Reservation

and born on or prior to and living on the date of enactment of this Act.

(b) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Assiniboine Tribe of the Fort Belknap Reservation. The treaty committee of such tribe is authorized to utilize such funds on a budgetary basis, subject to the approval of the Secretary, for social and economic programs. Such programs may include but are not limited to land acquisitions and the development of local reservation projects.

SEC. 4. The funds appropriated to the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in docket numbered 279–C, amounting to $2,094,987, shall be used and distributed as follows: *Provided*, That no person shall be eligible to share in more than one award in his own right.

(a) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all persons duly enrolled as members of the Fort Belknap Indian Reservation of at least one-quarter degree Gros Ventre blood and born on or prior to and living on the date of enactment of this Act.

(b) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of

the members of the Gros Ventre Tribe of the Fort Belknap Reservation. The treaty committee of such tribe is authorized to utilize such funds on a budgetary basis, subject to the approval of the Secretary, for social and economic programs. Such programs may include but are not limited to land acquisitions and the development of local reservation projects.

SEC. 5. The per capita shares of living competent adults shall be paid directly to them. Per capita shares of deceased individual beneficiaries shall be determined and distributed pursuant to regulations prescribed by the Secretary. Per capita shares of individuals under age eighteen shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines to be necessary to protect and preserve the interests of such individuals.

SEC. 6. None of the funds distributed per capita or held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act.

SEC. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Senator MELCHER. Our first witness this morning will be Anson Baker, the area director for the Bureau of Indian Affairs for this area. We are pleased to have your testimony this morning.

STATEMENT OF ANSON BAKER, AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS

Mr. BAKER. Thank you, Senator. Mr. Chairman, members of the committee, I am pleased to present the views of the Department of the Interior on S. 1986, a bill to provide for the use and distribution of funds awarded the Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian Community in dockets 250–A and 279–C by the U.S. Court of Claims. We recommend that the bill be enacted, if amended as we suggest.

S. 1986 would authorize the disposition of funds appropriated to pay a judgment in the amount of $400,000 to the Blackfeet Tribe and $2,094,987 to the Gros Ventre Tribe of the Fort Belknap Reservation in Court of Claims docket 279–C and $2,170,013 to the Assiniboine Tribe of the Fort Belknap Reservation in Court of Claims docket 259–A. Funds were appropriated to satisfy the awards on January 23, 1981.

The awards represent claims by all three tribes against the Federal Government for a general accounting of its management, handling, and distribution of the tribes' money and other property. On December 18, 1980, the parties involved in these dockets filed a stipulation for entry of final judgment. The claims asserted were settled in specific dollar amounts with none of the parties seeking review or appeal. Blackfeet claims previously transferred to docket 279–D were specifically not covered in this compromise. All claims for offsets were waived.

The use and distribution of Indian claims litigated before the Court of Claims are governed by the provisions of the Indian Judgment Funds Act of October 19, 1973. Under the 1973 act, a distribution proposal in the form of a secretarial plan must be submitted to the Congress within 270 calendar days, including a 90-day extension. The Department was unable to present a timely secretarial plan; thus this legislative approach is necessary.

Section 2 of S. 1986 would provide that the funds and interest appropriated to the Blackfeet Tribe be utilized for governmental operation and social and economic programs. Again, we point out that most of the Blackfeet claims were transferred by the Indian Claims Commission to docket 279–D and resulted in a major award which will be handled separately.

Section 3 of the bill would provide that the funds and interest appropriated to the Assiniboine Tribe of the Fort Belknap Reservation be utilized with 80 percent of the funds distributed per capita to all persons duly enrolled as Assiniboine members of the Fort Belknap Reservation and 20 percent utilized for social and economic programs by the Assiniboine Treaty Committee with the approval of the Secretary of the Interior.

Section 4 of S. 1986 would provide that the funds and interest appropriated to the Gros Ventre Tribe of the Fort Belknap Reservation be utilized with 80 percent of the funds distributed per capita

to enrolled members of the Fort Belknap Reservation with at least one-quarter degree Gros Ventre blood and 20 percent utilized for social and economic programs by the Gros Ventre Treaty Committee with the approval of the Secretary.

In order to clarify the eligibility requirement for participants in the Gros Ventre distribution, we recommend that section 4(A) be amended to read as follows:

(A) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all persons who were born on or prior to and living on the date of this Act (1) Whose names appear as Gros Ventre on the allotment roll made pursuant to the Act of March 3, 1921 (41 Stat. 1355) or (2) Who possess at least one-quarter degree Gros Ventre blood derived from members of the Gros Ventre Tribe of the Fort Belknap Reservation.

This technical amendment would not change the meaning nor the requirement of section 4(A).

We also recommend that section 7 be amended to make it clear that the Secretary will establish deadlines for enrollment for per capita distributions.

Finally, we point out that under the constitution and bylaws of the Fort Belknap Indian Community, the treaty committees would be authorized to plan and utilize the program funds for both the Assiniboine and Gros Ventre Tribes of the Fort Belknap Reservation. Resolutions to accomplish this have been passed for both tribes.

With the inclusion of the foregoing technical amendments, we recommend enactment of S. 1986.

This concludes my prepared statement. I would be pleased to answer any questions you or members of the committee may have.

Senator MELCHER. Anson, that amendment you recommend, you described as technical. Therefore, it means the Bureau of Indian Affairs is in favor of the per capita shares of at least one-quarter blood.

Mr. BAKER. Yes.

Senator MELCHER. That is pretty much in agreement. You are not changing the intent of what the tribe——

Mr. BAKER. No, no. It remains; just the words are clarified.

Senator MELCHER. They intend to get the per capita payment, or what are you recommending in the bill?

Mr. BAKER. My understanding is, according to the Secretary's office, this would meet that requirement.

Senator MELCHER. Do you know what the tribe plans to do with the funds that are not distributed per capita?

Mr. BAKER. Not at this time, no.

Senator MELCHER. Have you reviewed that?

Mr. BAKER. No.

Senator MELCHER. Do you have enough people for technical assistance and advice for economic development purposes of any portion of this judgment that will be used that way?

Mr. BAKER. I would feel comfortable—I could say, yes. I think we could draw on that resource, provide that help.

Senator MELCHER. So all in all, you think the plans that were drawn up were drawn up properly, according to the 1973 act?

Mr. BAKER. Yes.

Senator MELCHER. Thank you very much, Anson.

Mr BAKER. Thank you.

Senator MELCHER. Joseph Ironman, chairman for the Fort Belknap Community Council, Harlem. Is Joseph here? Who is speaking on behalf of them?

Mr. CAPTURE. Senator Melcher, on behalf of Joe Ironman, my name is John Capture. I am delegated by the Gros Ventre Treaty Committee to testify in their behalf on the matter that is before the Senate Select Committee on Indian Affairs. I will read from the prepared text if it is OK.

Senator MELCHER. Fine.

STATEMENT OF GROS VENTRE TREATY COMMITTEE, PRESENTED BY JOHN CAPTURE

Mr. CAPTURE. Statement of the Gros Ventre Tribe of the Fort Belknap Indian Reservation on S. 1986 concerning docket Nos. 250-A and 279-C by the U.S. Court of Claims before the Senate Select Committee on Indian Affairs.

The Gros Ventre Tribe of the Fort Belknap Indian Reservation would like to thank the Senate Select Committee on Indian Affairs and yourself, Senator Melcher, for conducting this hearing on S. 1986, which is a bill to provide for the use and distribution of funds awarded to the Blackfeet Tribe, and the Gros Ventre Tribe of Indians and Assiniboine Tribe of Indians of the Fort Belknap Indian Reservation.

The testimony of the Gros Ventre Tribe is relative to the intent of the general council of the Gros Ventre Tribe which met on the 22d day of February, 1981, and submitted a proposal to the Secretary of the Interior for the distribution of judgment funds for docket No. 279–C. The relative portion of S. 1986 to the Gros Ventre Tribe is section 4. It is the opinion of the Gros Ventre Tribe that section 4(a) should be amended in order to conform to the intent and will of the Gros Ventre Tribe as to which individuals shall be eligible for the per capita payments. Subsection (a) of section 4 must be amended as follows to conform to the intent and will of the general council of the Gros Ventre Tribe:

(a) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all persons duly enrolled as members of the Gros Ventre Tribe of the Fort Belknap Indian Reservation of at least one-quarter degree or more Gros Ventre blood and born on or prior to and living on the date of enactment of this Act.

Further, the Gros Ventre Tribe recommends, in order to expedite the distribution of these judgment funds that an additional subsection be added to section 4 of S. 1986 as follows:

(c) The Gros Ventre Tribe, with the assistance of the Secretary, shall cause to be prepared a roll of all eligible Gros Ventre tribal members as provided in Section 4(a) of S. 1986.

Additionally, for clarification purposes, it is the Gros Ventre Tribe's recommendation that section 6 of S. 1986 should be amended as follows:

Section 6. None of the funds distributed per capita or held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act, State or Federal programs.

The purpose of this amendment is to allow those individuals who are living on a subsistence level to continue to participate in those social and welfare programs which they are eligible for under Federal, State, and local programs. It goes without saying that the per capita payment from these judgment finds are not substantial enough to have a large economic impact upon these individuals but only is enough to supplement their level of mere subsistence.

The Gros Ventre Tribe would like to address the issue of the power and authority to determine the eligibility criteria for the distribution of per capita payments and participation in subsequent programs as provided under docket No. 279–C. The Gros Ventre Tribe would like to call the Senate select committee's attention to the case of *Santa Clara Pueblo* vs *Martinez*, 436 U.S. 49, 56 L. Ed. 106, 98 S. Ct. 1670 (1978), which upheld the district court's decision that Indian Tribes have the power to make their own substantive law in internal matter such as tribal membership:

> The equal protection guarantee of the Indian Civil Rights Act should not be construed in a manner which would require or authorize this Court to determine which traditional values will promote cultural survival and should therefore be preserved. . . . Such a determination should be made by the people of Santa Clara; not only because they can best decide what values are important, but also because they must live with the decision every day. . . .
>
> . . . To abrogate tribal decisions, particularly in the delicate area of membership, for whatever "good" reasons, is to destroy cultural identity under the guise of saving it. 402 F. Supp, at 18–19.

It is clear from the decision of the U.S. Supreme Court, that each tribe has the power and authority to determine which individuals shall be eligible for membership in the Gros Ventre Tribe and who will be eligible to participate in the distribution of judgment funds.

Furthermore, the Gros Ventre Tribe would like to call the Senate select committee's attention to section 17 of the Indian Reorganization Act of 1934, 48 Stat. 984, which was ratified by the Gros Ventre Tribe on August 25, 1937. The charter adopted pursuant to the Indian Reorganization Act for the Gros Ventre Tribe specifically provided that the property rights and present and future claims of the Gros Ventre Tribe of Indians shall not be impaired by the charter or the constitution and bylaws of the Fort Belknap Indian Community. This authority of the Gros Ventre Tribe includes their power to determine who may be eligible to participate in the distribution of judgment funds.

The Gros Ventre Tribe would like to thank the Senate select committee again for conducting these hearings and hopefully will assist in expediting the distribution of these funds. If further information is required by the committee, the Gros Ventre Tribe shall submit it immediately, upon request. Respectfully submitted, the Gros Ventre Tribe, Fort Belknap Indian Reservation.

Senator MELCHER. John, does the, what Anson called, technical amendment conform with what the Gros Ventres have in mind—talking about 80 percent of such funds shall be distributed in the form of per capita funds, and all persons who were born on or prior to and living on the date of this act, and those names that appear on the allotment roll of 1921, and who are of one-fourth blood?

Mr. CAPTURE. That is correct.

Senator MELCHER. Does that conform to what the tribe wants?

Mr. CAPTURE. Basically, that is the general information that has been conveyed to me.

Senator MELCHER. I understand your testimony to agree with that.

Mr. CAPTURE. Yes.

Senator MELCHER. Distribution of 80 percent; what about the 20 percent?

Mr. CAPTURE. The matter of the programing of the 20 percent of the judgment award is a matter that has been a subject of developing plans on the part of the treaty committee. I would like to call upon a member of the Treaty Committee of the Gros Ventre Tribe to explain our position on that matter.

Senator MELCHER. Would the treaty committee be between the Gros Ventre and the Assiniboine?

Mr. CAPTURE. Yes; that is a division of the proceeds.

Senator MELCHER. Of the 20 percent?

Mr. CAPTURE. Yes. That would be prior to the award of the judgment.

Senator MELCHER. Thank you very much, John.

Mr. CAPTURE. Thank you again, Senator.

Senator MELCHER. Nice to see you. We will hear first from Frank Ohlerking, Assiniboine Treaty Committee, and then from Bertha Snow, chairperson of the Gros Ventre Treaty Committee.

STATEMENT OF GILBERT HORN, VICE CHAIRMAN, ASSINIBOINE TREATY COMMITTEE

Mr. HORN. Thank you, Senator. Frank is in a hospital. He is a heart patient, and so I took his place. I am the vice chairman. My name is Gilbert Horn. With me to represent the Assiniboine is Edward Long Knife, who is secretary of the committee. I will just read you a short paragraph we have.

The Assiniboine Tribe of the Fort Belknap Indian Reservation would like to thank the Senate Select Committee on Indian Affairs and yourself, Senator Melcher, for conducting this hearing on Senate bill 1986, which is a bill that, in part, provides for the use and distribution of funds awarded to the Assiniboine Tribe of Indians of the Fort Belknap Indian Reservation.

The testimony of the Assiniboine Tribe is relative to the intent of the general council of the Assiniboine Tribe which met February 20, 1981, and submitted a proposal to the Secretary of the Interior for distribution of judgment funds for docket 250–A.

We are in agreement with the intent of Senate bill 1986. However, we feel that for clarification purposes, the Assiniboine Tribe of Fort Belknap recommends that section 6 of Senate bill 1986 be amended as follows:

> Section 6. None of the funds distributed per capita or held in trust under provisions of the Act shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act, State or Federal programs.

The purpose of this amendment is to allow individuals who are living on a subsistence level to continue to participate in those social and welfare programs which they are eligible for under Federal, State and local programs. The amount of money any individual would

receive from a per capita payment from these judgment funds is not enough to have a large economic impact on these individuals.

Further, the Assiniboine Tribe recommends, in order to expedite the distribution of these judgment funds, that an additional subsection be added to section 3 of Senate bill 1986 as follows:

(c) The Assiniboine Tribe of Fort Belknap, with the assistance of the Secretary of the Interior shall cause to be prepared a roll of all eligible Fort Belknap Assiniboine Tribal members as provided in Section 3(a) of Senate bill 1986.

We would like to thank you.

To expand on it a little more; when we helped write the biil, I think it was back on the 10th of December, I think we were—with the Interior and your staff and all the other people—we thought the duly enrolled members would qualify for per capita payment of those that were eligible. We were thinking about the same thing as the *Martinez* case which made the tribes decide their own members.

But after we met again—we met the 29th of December again with the tribal members, and they thought we should clarify it more. We thought maybe this clarified it. I do not know if it does. I don't think the intent was ever changed.

Senator MELCHER. But it would mean a new tribal roll, would it not?

Mr. HORN. No, it would not.

Senator MELCHER. You would have the same——

Mr. HORN. Almost the same.

Senator MELCHER. Would you have the Bureau of Indian Affairs verify the roll?

Mr. HORN. Yes. We would like to go further—our resolution is supposed to be attached to this. I do not have it in mine. I thought that clarified everything, but it was not attached to mine.

Senator MELCHER. We have the resolution.

Mr. HORN. The attached resolution on the first part is the only authority handling all treaty matters. We have another, No. 155–76.

Senator MELCHER. You have another resolution since then?

Mr. HORN. No, not that I know of.

Senator MELCHER. We will make this resolution part of the record.

Mr. HORN. Yes. We provided that——

Mr. RICHTMAN. To the Interior and your office.

Senator MELCHER. Fine. Gilbert, it will be difficult to figure out what you are going to do with the 20 percent——

Mr. HORN. We have a resolution that should have been attached, but I do not know what happened here.

Senator MELCHER. Will you supply that for the record?

Mr. HORN. Yes, I will.

Senator MELCHER. Will that be joint, or a portion of it be joint, between the Assiniboine and the Gros Ventre on the Reservation?

Mr. HORN. Very possibly could. But the resolution that was adopted on September 26, 1981, began—there was another resolution adopted on December 29 by the General Public Council, because we set aside 20 percent in a trust bearing account to be paid per capita once a year—I can not use the word "per capita." Anyway, they gave us some more words from Washington to use to that effect—but it is with the authority of the Secretary of Interior. The principal would always remain there.

If, at some time in the future, the tribe should decide to put it in some kind of industry or something, the money would be there.

Senator MELCHER. But, until that time, the 20 percent would draw interest and the interest be distributed?

Mr. HORN. Just the interest.

Senator MELCHER. And the principal would remain?

Mr. HORN. The principal would remain.

Senator MELCHER. We have it here now, that is Resolution No. 81–9.

Mr. HORN. It should be 81–8 I think.

Senator MELCHER. Yes, because this one is the 26th day of December.

Mr. HORN. They should be attached.

Senator MELCHER. We will make it part of the record when you supply it. By the way, the hearing record will remain open for at least 30 days after this date for anything else that pertains to this bill to be put into the record.

Mr. HORN. I thought I would take my check home today.

Senator MELCHER. Sorry. Thank you very much, Gilbert.

The resolutions will be made a part of the record at this point.

[The resolutions follow:]

R E S O L U T I O N

A Resolution ratifying all acts done in the past and delegating certain powers to the Fort Belknap Assiniboine Treaty Committee.

WHEREAS, The Corporate Charter of the Fort Belknap Indian Community as amended provides in Section 7(a) that the property rights and present and future claims of the Assiniboine Tribe of the Fort Belknap Indian Reservation shall not be impaired by anything in the Charter or Constitution and By-laws of the Fort Belknap Indian Community; and

WHEREAS, The said Corporate Charter as amended provides in Section 7(d) that the Assiniboine members of the Community Council shall have sol- and exclusive jurisdiction over all matters concerning the exclusive property rights and present and future claims of the said Assiniboine Tribe, and said members are authorized to transact the exclusive business policy and affairs of the said Assiniboine Tribe as exercised before the approval of the said Corporate Charter and Constitution and By-laws of the Fort Belknap Community Council; and

WHEREAS, It has been the policy for many years and the decision of the Assiniboine members of the Fort Belknap Community Council to delegate their exclusive duties to a separate Assiniboine Treaty Committee of the Fort Belknap Indian Reservation; and

WHEREAS, The Fort Belknap Assiniboine Treaty Committee is now composed of the following members, to-wit:

Frank Chierking	Chairman
Eleanor Sevals	Secretary
John Allen	Member
Lloyd Coon	Member
Milton Horn	Member
Gilbert Horn	Member

and

WHEREAS, The Fort Belknap Assiniboine Treaty Committee has been and is elected by vote of the Assiniboine People when vacancies occur, and the said Committee operates under traditional Assini-

boine Indian ways as transmitted from generation to generation in accordance with the wishes of the Assiniboine People; and

WHEREAS, The Assiniboine members of the Fort Belknap Community Council have met in separate session on this 5th day of April, 1971, at the office of said Council, with all members present; and a temporary Chairman and Secretary were elected by the said Assiniboine members of said Council for purpose of conducting a meeting on this day; and

WHEREAS, After proper discussion and consideration of the above matters, the Assiniboine members of the Fort Belknap Community Council voted unanimously to delegate all their powers, rights and duties related to the disposition of funds deposited pursuant to the Act of January 8, 1971 (P.L. 91-665);

NOW THEREFORE, BE IT RESOLVED, That we the undersigned Assiniboine members of the Fort Belknap Community hereby delegate all our rights, powers and duties related to the disposition of the above funds to the above Fort Belknap Assiniboine Treaty Committee and their successors, ratify and approve all acts done by said Fort Belknap Assiniboine Treaty Committee in the past years.

THE ASSINIBOINE MEMBERS OF
THE FORT BELKNAP COMMUNITY COUNCIL

Resolution No. 81-9

FORT BELKNAP INDIAN COMMUNITY
ASSINIBOINE TRIBE

WHEREAS, The Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13th day of December, 1935, and

WHEREAS, Under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the Health, Security and General Welfare of the Fort Belknap Indian Community, and

WHEREAS, The Fort Belknap Assiniboine is authorized by the Fort Belknap Community to act in behalf of Fort Belknap Assiniboines Treaty claims,

WHEREAS, A general assembly of Fort Belknap Assiniboines was held September 26, 1981 at the Agency Roller Rink, and

WHEREAS, The purpose of the meeting was to consider distribution of recovery funds, derived from the 1851 Fort Laramie Assiniboine Case, and

WHEREAS, Under the distribution of judgement funds act (25 U.S.C. 1403 (b)(5) not more than 80% may be distributed per capita, unless that particular circumstances of the pertinent Indian Tribe clearly warrant otherwise, and

WHEREAS, Expert witness fees, and 10% of total award for Attorney fees have been paid or deducted for total award money, and

WHEREAS, The division in the 1972 distribution act for the Assiniboine, the two groups agreed on a 50-50 division, and

WHEREAS, By majority vote of members present, that 20% of remaining balance after legal liquidation of Attorney and expert witness are made that this 20% be used for investment to draw interest, and Balance of 80% be paid to eligible members, and which 93 adult members were present,

THEREFORE LET IT BE RESOLVED, That 20% of remaining be used for investment to draw interest, and

BE IT FURTHER RESOLVED, That accurred interest be used for per capita payments to living members (Fort Belknap Assiniboine Comm[illegible] that the division of recovery funds from Fort Laramie judgeme[illegible] vided equally between Assiniboine Tribe of Fort Belknap and the [illegible]boine Tribe of Fort Peck.

C E R T I F I C A T I O N

I, the Undersigned, as Secretary of the Assiniboine Treaty Committee hereby certify that the Assiniboine Treaty Committee attended by 5 members of who were present at a meeting thereof, duly and regularly called, noticed convened and held this 26th day of Sept. that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 5 for: 0 against: 0 not voting; 1 absent: and that said resolution has not been rescinded in anyway.

Frank Ohlerking, Chairman
Assiniboine Treaty Committee

Edward Longknife, Secretary
Assiniboine Treaty Committee

Resolution No. 155-76

FORT BELKNAP INDIAN COMMUNITY

Recognize Authority Of Gros Ventre & Assiniboine Treaty Committees

WHEREAS, The Fort Belknap Indian Community is a Federally Chartered Corporation as defined in the Indian Reorganization Act of June 18, 1934, and under its Charter, Constitution, and Bylaws as approved by the Secretary of the Interior, has full power and authority to negotiate with the Federal, State and Local Governments on behalf of the Community, and

WHEREAS, There has been in existence prior to the formal acceptance of the Indian Reorganization Act, Committees, Delegations and Councils of Gros Ventre and Assiniboine who conducted Treaty Business on behalf of their respective Tribes, and

WHEREAS, There continues to exist Separate Gros Ventre and Assiniboine Treaty Committees who have conducted and pursued Treaty and Treaty Settlement business on behalf of the Gros Ventre and Assiniboine Tribes of Fort Belknap, and

WHEREAS, The Treaty Committee of the Gros Ventre Tribe of Fort Belknap Reservation is authorized under Corporate Charter, to conduct, individually and separetly, business and various other transactions as delegated, and

WHEREAS, The Treaty Committee of the Assiniboine Tribe of Fort Belknap Reservation is authorized, under Corporate Charter, to conduct, individually and separetly, business and various other transactions as delegated, now

THEREFORE BE IT RESOLVED, that the Fort Belknap Community Council recognize the authority of the Gros Ventre Treaty Committee, and

BE IT FURTHER RESOLVED, that the Fort Belknap Community Council recognize the authority of the Assiniboine Treaty Committee.

ATTEST:

Joseph F. McConnell, Secretary

Charles D. Plumage, Chairman

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Indian Community of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Indian Community Council is composed of 12 members of whom 10 members constituting a quorum were present at a meeting thereof, duly

Resolution No. 155-76

and regularly called, noticed, convened and held this 5th day of May, 1976; and that the goregoing resolution was adopted by the affirmative vote of 8 for; 2 opposed; 0 not voting; 2 absent; and that the said resolution has not been rescinded in anyway.

DATE: 4-12-76

J. F. McConnell
Joseph F. McConnell, Secretary

THE FORT BELKNAP INDIAN COMMUNITY
Corporation

FORT BELKNAP AGENCY, HARLEM, MONT.
Address

Senator MELCHER. The next person on our schedule is Bertha Snow, chairperson, Gros Ventre Treaty Committee.

STATEMENT OF JOHN MOUNT, DELEGATE, GROS VENTRE TREATY COMMITTEE

Mr. MOUNT. Senator Melcher, I am John Mount. Bertha is absent. I will present the intent of the 20-percent program money to—the Gros Ventres claim from docket 270–C, which amounts to $2,094,987. We have an insurance plan that we have been studying, and plan to eventually get into some of that—insurance or investments to carry on.

According to the law, 20 percent, or $418,997.40 of this money has to be invested, 279–C. We had an enrolled Gros Ventre member priority poll, for distribution of accounting claim, that primarily they invest this money—this $418,000—in a certificate of deposit at, at least, 15 percent interest per year. It would earn $62,894.64 per year. We have a plan—in order for all enrolled Gros Ventres to benefit—a life insurance policy can be obtained for all enrolled Gros Ventres.

An escrow account with the bank could be set up whereas they pay the yearly insurance premium out of the earned interest, leaving the original invested amount to earn the next year's premium.

Each enrolled member's beneficiary would receive $4,000 for burial expenses upon enrollment and notification to the insurance company. All newborn Gros Ventre members would be covered by this insurance.

And then in addition to this—it has not been firmed up—but there are other programs and developments that the Gros Ventres would like to utilize some of this money for; to develop some of their natural resources on the reservation, such as coal, acquisition of land, and so forth. Those have not been firmed up yet, but they are in the making. These could be worked in conjunction with the Assiniboines if an agreement could be made with them.

Senator MELCHER. John, are both you and John Capture satisfied that the terms for the enrollment and the quarter-blood requirement are correct and will not cause any problem?

Mr. MOUNT. That is the result of a general meeting of the Gros Ventre people. It is their decision. It is not the committee's decision. It is the committee's decision to carry out the wishes of the people, and that is the people's decision.

Senator MELCHER. Now, there was a larger award made by the courts on June 30 of last year for the Blackfeet and the Gros Ventre Tribes.

Mr. MOUNT. Are you referring to the interest claim, Senator?

Senator MELCHER. Yes.

Mr. MOUNT. There has been no discussion with the Blackfeet on this as yet, Senator.

Senator MELCHER. If our figures are correct, out of that larger claim and the subsequent award—and the money has been appropriated based on the settlement in the Court of Claims—there would be approximately $10 million that would go to the Grose Ventre Tribe?

Mr. MOUNT. Yes.

Senator MELCHER. Do you expect that what has been done now by the treaty committee will form the pattern for what will probably be done with the larger award?

Mr. MOUNT. Yes. I feel that this will possibly set a precedent on this next claim, Senator.

Senator MELCHER. John, I want to thank you very much. That is all the questions I have. I want to thank all the members of the Gros Ventre and Assiniboine Tribes who made this trip here today to participate in these hearings.

We now have one last witness for the hearing today, and that is Earl Old Person. I do not see him. Is anyone representing the Blackfeet Tribe?

We will hold the record open on this hearing for 30 days. Anyone wishing to submit written testimony may do so. We welcome that. We will take written testimony from Earl Old Person or others of the Blackfeet Tribe.

The hearing is adjourned.

[Whereupon, at 12:15 p.m., the hearing was adjourned.]

APPENDIX

Subsequent to the Hearing the Following Documents Were Received for the Record

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN RESERVATION

BROWNING, MONTANA 59417

EXECUTIVE COMMITTEE
EARL OLD PERSON, CHAIRMAN
DANIEL L. GILHAM SR., VICE-CHAIRMAN
CHARLES CONNELLY #1, SECRETARY
ELOUISE C. COBELL, TREASURER

TRIBAL COUNCIL
EARL OLD PERSON
DANIEL L. GILHAM SR.
CHARLES CONNELLY #1
LELAND GROUND
ARCHIE ST. GODDARD
LEONARD MOUNTAIN CHIEF
GEORGE KICKING WOMAN
JERRY SHOW
PHILIP M. RATTLER JR.

RESOLUTION

NUMBER: #167-82

WHEREAS: The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and

WHEREAS: The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the people of the Blackfeet Indian Tribe, and

WHEREAS: The Congress of the United States, through the Court of Claims, has awarded a Judgement to the Blackfeet Tribe, designated as Docket No. 279-C, now

THEREFORE BE IT RESOLVED: That the Blackfeet Tribal Business Council hereby requests that the funds appropriated to the Blackfeet Tribe, in Docket No. 279-C, be utilized for the purchase of land on the Blackfeet Indian Reservation, and

BE IT FURTHER RESOLVED: That the Blackfeet Tribal Business Council requests approval of said request by the Secretary of the Interior or his duly authorized representative.

ATTEST:

THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION

Charles J. Connelly, Secretary

Archie St. Goddard, Acting Chairman

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened Regular Session assembled for business the 8th day of January, 1982 with Six (6) members present to constitute a quorum and by a vote of Six (6) members For and None Opposed.

Charles J. Connelly, Secretary
Blackfeet Tribal Business Council

BACKGROUND REPORT ON DOCKETS NO. 250-A AND 279-C
PREPARED BY BUREAU OF INDIAN AFFAIRS

Docket 279-C is a claim of the Blackfeet Tribe of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Indian Community, Montana, against the Federal Government for a general accounting of its management, handling, and distribution of their money and other property. Docket 250-A is a similar claim of the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, against the Federal Government.

The petitions in Dockets 279-C and 250-A were filed with the Indian Claims Commission on August 9, 1951 under the Act of August 13, 1946. On December 5, 1969, the Commission asked that the two actions be consolidated for trial and decision as a single case. By an order entered September 29, 1978, the Commission transferred the claims to the Court of Claims as a single case.

On December 18, 1980, the parties involved in these dockets filed a stipulation for entry of final judgment. The claims asserted were settled in specific dollar amounts with no party to seek review or appeal. The judgment would cover all claims and demands brought in Dockets 250-A and 279-C but would not cover any claims with respect to the Blackfeet Tribe previously transferred to Docket 279-D. All claims for offsets were waived. The final judgment was by way of compromise settlement and was not an admission by any of the parties as to any issue involved in the litigation for purposes of argument or precedent in any other case. The stipulation did not involve attorney fees and expenses.

On January 7, 1981, the Court of Claims ordered that judgment be entered against the United States in Dockets 279-C and 250-A in favor of the plaintiff tribes as follows: For the Assiniboine Tribe of the Fort Belknap Indian Community - $2,170,013.00; For the Blackfeet Tribe of the Blackfeet Reservation - $400,000.00; For the Gros Ventre Tribe of the Fort Belknap Indian Community - $2,094,987.00. Funds to satisfy the award were appropriated on January 23, 1981.

The use and distribution of Indian claims litigated before the Court of Claims are governed by the provisions of the Indian Judgment Fund Act of October 19, 1973 (P.L. 93-134; 87 Stat. 466). If the Bureau of Indian Affairs is not able to present a distribution plan in the form of a Secretarial proposal within 270 calendar days, including a 90-day extension, legislation must be submitted. Although the tribes acted expeditiously the Bureau did not present a timely Secretarial Plan and thus legislation is necessary.

The Assiniboine Tribe of the Fort Belknap Indian Community after a general meeting by resolution proposed that the award granted them in Docket 250-A be divided so that 80% would be paid out per capita and 20% would be utilized for social and economic programming. The Gros Ventre Tribe of the Fort Belknap Indian Community likewise held a general meeting and by resolution proposed a similar division of their funds in Docket 279-C with 80% to be paid out per capita and 20% to be utilized for social and economic programming. Both plans state that such programs may include but are not limited to land acquisitions and the development of local reservation projects.

Standard language is used sections five and six to govern the per capita distribu tion of the awards.

LIST OF MONTANA JUDGMENT AWARDS APPROPRIATED

S. 1896

DOCKET	BENEFICIARY	AWARD	APPROPRIATION DATE
250-A	ASSINIBOINE TRIBE OF THE FORT BELKNAP INDIAN COMMUNITY	$2,170,013.00	1/23/81
279-C	BLACKFEET TRIBE OF THE BLACKFEET RESERVATION & THE GROS VENTRE TRIBE OF THE FORT BELKNAP INDIAN COMMUNITY	400,000.00 2,094,987.00	1/23/81 1/23/81
309-74	BLACKFEET TRIBE OF THE BLACKFEET RESERVATION	287,649.22	5/20/81
649-80-L	BLACKFEET TRIBE OF THE BLACKFEET RESERVATION AND THE GROS VENTRE TRIBE OF THE FORT BELKNAP INDIAN COMMUNITY	29,404,951.84	6/30/81
342-70 343-70 309-74	GROS VAENTRE TRIBE OF THE FORT BELKNAP INDIAN COMMUNITY	77,780.13	7/15/81
279-D	BLACKFEET TRIBE OF THE BLACKFEET RESERVATION	9,600,000.00	9/16/81
10-81-L	ASSINIBOINE TRIBE OF THE FORT BELKNAP INDIAN COMMUNITY & THE ASSINIBOINE TRIBE OF FORT PECK	16,394,625.16	9/30/81

1937 CHARTER

See section 7(a), (b), and (d) giving authority to members of council to manage affairs that are exclusive to members of their tribe.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

✦

CORPORATE CHARTER
OF THE
FORT BELKNAP INDIAN COMMUNITY OF THE FORT BELKNAP INDIAN RESERVATION

✦

RATIFIED AUGUST 25, 1937

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1938

rity, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Community.

(*i*) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Community or by the United States to the levy of any judgment, lien or attachment upon the property of the Community other than income or chattels specially pledged or assigned.

(*j*) To exercise such further incidental powers not inconsistent with law, as may be necessary to the conduct of corporate business.

Termination of Supervisory Powers.

6. Upon the request of the Community Council of the Fort Belknap Indian Community for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (*b*) (2), 5 (*d*), 5 (*f*), 5 (*g*), 5 (*h*), and section 8 of this Charter, the Secretary of the Interior, if he deems it wise and expedient to do so, shall thereupon submit the question of such termination or grant for ratification by the Community. If the Secretary of the Interior shall approve such termination it shall be effective upon ratification by a majority vote of the adult members of the Community residing on the reservation, at an election in which at least 30 per cent of the eligible voters vote. If the Secretary shall disapprove such termination, or fail to approve or disapprove it within 90 days after its receipt, it may then be submitted by the Secretary or by the Community Council to popular referendum of the adult members of the Community actually living within the reservation, and if approved by two-thirds of the eligible voters shall be effective.

Tribal Rights and Claims.

7. (*a*) Property rights and present and future claims of the Gros Ventre and Assiniboine Tribes of Indians who have entered into a partnership to form the Fort Belknap Indian Community for the management of their joint affairs, shall not be in any way impaired by anything contained in this Charter, or in the Constitution and By-laws of the Fort Belknap Indian Community.

(*b*) Nothing in this Charter, or in the Constitution and By-laws of the Fort Belknap Indian Community shall constitute a release or waiver or shall in any way impair any present or future claims of the Gros Ventre Tribe of Indians of the Fort Belknap Indian Reservation, or of the Assiniboine Tribe of Indians of the Fort Belknap Indian Reservation,

against the United States, against each other, or against any other tribe or tribes of Indians.

(*c*) The tribal unallotted lands of the Fort Belknap Indian Reservation are hereby vested in the Fort Belknap Indian Community, subject however to the restrictions contained in section 7, paragraph (*b*) of this Charter.

(*d*) The Gros Ventre members of the Community Council and the Assiniboine members of the Community Council shall each have sole and exclusive jurisdiction over all matters concerning the exclusive property rights and present and future claims of each of their said tribes, and shall transact the exclusive business policy and administrative affairs of their respective tribes, and shall exercise their said several powers to the same extent and for the same purposes as exercised by each of said tribal councils prior to the ratification of the Fort Belknap Indian Community Constitution and By-laws and the granting of this Charter.

(*e*) That the administration of moneys borrowed by the Fort Belknap Indian Community and reloaned to members of the community or associations of such members shall be under the jurisdiction of two sub-committees of the council, one consisting only of Gros Ventre councilmen to administer all loans to Gros Ventre Indians, and one consisting only of Assiniboine councilmen to administer all loans to Assiniboine Indians. The amounts allocated to the two sub-committees shall be equal except in so far as demonstrated differences in population or need warrant any other equitable division.

Corporate Dividends.

8. The Community may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Community and may distribute per capita, among the recognized members of the Community, all income of the Community over and above sums necessary to defray corporate obligations to members of the Community or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of the Community government, the needs of charity, or other corporate purposes. No such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall be made without the approval of the Secretary of the Interior.

Corporate Accounts.

9. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of

1972 ASSINIBOINE DISTRIBUTION BILL AND REPORT

Precedent for Giving Set-Aside to Treaty Committee

Public Law 92-557
92nd Congress, S. 3230
October 25, 1972

An Act

86 STAT. 1171

To provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana.

Indians. Assiniboine Tribes, Mont. Judgment funds, disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana, in Indian Claims Commission docket numbered 279-A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided by the Secretary of the Interior on the basis of 50 per centum to the Assiniboine Tribe of the Fort Peck Reservation and 50 per centum to the Assiniboine Tribe of the Fort Belknap Reservation.

Per capita shares, eligibility.

SEC. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used as provided in section 3 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, (b) persons who possess equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood and who elect to be enrolled as Sioux, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279-A.

25 USC 1201-1205.

Certain salaries and expenses, payment.

SEC. 3. Upon agreement by the Fort Peck Assiniboine Tribe and the Fort Peck Sioux Tribe on the amount each agrees to contribute from the award to each tribe in Indian Claims Commission docket numbered 279-A, the agreed contribution of the Fort Peck Assiniboine Tribe shall be withdrawn from the $50,000, and interest thereon, withheld from per capita distribution pursuant to section 2 of this Act, and shall be credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided*, That upon request of the Fort Peck Assiniboine Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid $50,000 and interest thereon per capita to each person eligible under section 2 of this Act.

Exception

Per capita shares, eligibility.

SEC. 4. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used as provided in section 5, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Peck Gros

Ante, p. 64.

Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (Public Law 92-254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279-A.

Withheld funds, use.

SEC. 5. The $100,000 withheld from distribution under section 4, and interest thereon, may be used for any purpose authorized by the Assiniboine Treaty Committee of the Fort Belknap Assiniboine Tribe and approved by the Secretary of the Interior, including contributions to Reservation community projects and further per capita distribution.

Per capita shares; reversion to tribe.

SEC. 6. The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

Income tax exemption. Minors, protection of interests.

SEC. 7. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

Regulations.

SEC. 8. The Secretary is authorized to prescribe rules and regulations to effect the provisions of this Act, including the establishment of deadlines.

Approved October 25, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-1078 accompanying H.R. 10394 (Comm. on Interior and Insular Affairs) and No. 92-1608 (Comm. of Conference).
SENATE REPORT No. 92-799 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 118 (1972):
May 24, considered and passed Senate.
June 5, considered and passed House, amended in lieu of H.R. 10394.
Oct. 14, Senate agreed to conference report, concurred in House amendment.

92D CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 92-1078

PROVIDING FOR THE DIVISION AND FOR THE DISPOSITION OF THE FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF THE ASSINIBOINE TRIBES OF THE FORT PECK AND FORT BELKNAP RESERVATIONS, MONT.

MAY 22, 1972.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 10394]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 10394) to provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Mont., having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided by the Secretary of the Interior on the basis of 50 per centum to the Assiniboine Tribe of the Fort Peck Reservation and 50 per centum to the Assiniboine Tribe of the Fort Belknap Reservation.

SEC. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used as provided in section 3 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, (b) persons who possess equal degrees of Fort Peck Assiniboi and Fort Peck Sioux blood and who elect to be enrolled as Sioux, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

SEC. 3. Upon agreement by the Fort Peck Assiniboine Tribe and the Fort Peck Sioux Tribe on the amount each agrees to contribute from the award to each

tribe in Indian Claims Commission Docket No. 279-A, the agreed contribution of the Fort Peck Assiniboine Tribe shall be withdrawn from the $50,000, and interest thereon, withheld from per capita distribution pursuant to section 2 of this Act, and shall be credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided*, That upon request of the Fort Peck Assiniboine Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid $50,000 and interest thereon per capita to each person eligible under section 2 of this Act.

SEC. 4. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used as provided in section 5, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Peck Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 16, 1972 (P.L. 92-254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279-A.

SEC. 5. The $100,000 withheld from distribution under section 4, and interest thereon, may be used for any purpose authorized by the Assiniboine Treaty Committee of the Fort Belknap Assiniboine Tribe and approved by the Secretary of the Interior, including contributions to Reservation community projects and further per capita distribution.

SEC. 6. The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

SEC. 7. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

SEC. 8. The Secretary is authorized to prescribe rules and regulations to effect the provisions of this Act, including the establishment of deadlines.

PURPOSE

H.R. 10394, introduced by Mr. Melcher, authorizes the distribution and use of a claims judgment recovered by the Assiniboine Tribes of the Fort Peck and the Fort Belknap Reservations. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of January 4, 1972, was $2,880,317. The money is currently invested in interest-bearing accounts.

NEED

The Assiniboine Indians are located on two reservations. They share the Fort Peck Reservation with the Sioux, and they share the Fort Belknap Reservation with the Gros Ventre. Legislation is needed to divide the judgment between the two groups, and to authorize the use of the money.

The two groups have agreed that the judgment should be divided between them equally.

After the money is divided, the Assiniboine Tribe at Fort Peck will reserve $50,000 to be available to match a similar sum reserved from an earlier judgment in favor of the Sioux Tribe, to be used for reservation purposes. The Assiniboine Tribe at Fort Belknap will reserve $100,000 which may be used separately for tribal purposes, or for reservation programs in conjunction with a sum reserved from an earlier judgment in favor of the Gros Ventre Indians. The remainder will be distributed per capita to all members of the respective Fort Peck and Fort Belknap Communities who are of Assiniboine descent, excluding persons who have more Sioux or Gros Ventre blood than Assiniboine blood, and excluding persons who shared or were entitled to share in the prior Sioux and Gros Ventre judgments. The bill contains standard provisions regarding tax exemption and protection of the interests of minors and persons under a legal disability.

COMMITTEE AMENDMENT

The committee amendment combines H.R. 10393, which relates to the Assiniboine Tribe of the Fort Peck Reservation, and H.R. 10394, which relates to the Assiniboine Tribe of the Fort Belknap Reservation. Both bills involve the same judgment.

The committee amendment strikes everything after the enacting clause and inserts new text which conforms to the requests of the tribes, with one exception. The committee amendment does not adopt the recommendation of the Department of the Interior, which would leave the use of the money entirely to the discretion of the Secretary of the Interior and approval of the "appropriate" congressional committees. It is the position of this committee that the plans for the use of judgment money should, in the absence of unusual circumstances, be reviewed by Congress before the authorizing legislation is enacted.

The committee also rejected a recommendation by the tribes and by the Secretary of the Interior that none of the per capita payments should be considered as income for purposes of the Social Security Act. The committee has consistently adhered to this policy over the past several years in all legislation authorizing per capita distributions of judgment funds. Although an exception was made in the recent Public Law 92-254 relating to a Blackfeet-Gros Ventre judgment, the statute itself stated that the exception was in recognition of unique circumstances and is not to be regarded as a precedent or as a general policy for application to other tribes. The circumstances applicable to the Blackfeet judgment are not applicable here, and the committee believes that the consistent congressional policy should not be further eroded.

COST

Enactment of the bill will involve no additional Federal expenditure.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, by a voice vote, recommends that the bill be enacted.

DEPARTMENTAL REPORT

The report of the Department of the Interior is as follows:

U.S. DEPARTMENT OF THE INTERIOR.
OFFICE OF THE SECRETARY,
Washington, D.C., March 28, 1972.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on H.R. 10393 and H.R. 10394, similar bills to provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Mont.

We recommend against the enactment of either H.R. 10393 or H.R. 10394 and in favor of enactment of the attached substitute bill.

H.R. 10393 would divide the funds appropriated to pay a judgment in Indian Claims Commission docket No. 279–A on a basis of 50 percent to the Assiniboine Tribe of the Fort Belknap Reservation and 50 percent to the Assiniboine Tribe of the Fort Peck Reservation. These amounts shall be deposited to the credit of the respective tribes. Of the Fort Belknap portion, $100,000 shall be set aside to establish a reserve fund, to be expended, with the joint approval of the Fort Belknap Gros Ventre Tribe, as authorized and approved by the Secretary of the Interior. However, upon request of the tribe, the Secretary of the Interior would be able, in his discretion, to distribute all or part of this reserve fund per capita. The balance of funds remaining to the credit of the Fort Belknap Assiniboine Tribe shall be distributed per capita to enrollees, who shall be each member of the Fort Belknap Assiniboine Tribe, who, on the date of enactment of this act, is a living Assiniboine allottee and/or a living 1921 Assiniboine enrollee who received cash instead of land, regardless of his degree of Assiniboine blood; a living descendent, regardless of his residence or place of birth, of 1921 Assiniboine allottees of one-fourth or more degree of Assiniboine blood; or a living descendent, regardless of his residence or place of birth, of 1921 Assiniboine enrollees who received cash instead of land of one-fourth or more degree Assiniboine blood. Such enrollees would be precluded from claiming rights in any other Indian tribe. The bill contains the standard provision for protection of per capita shares of persons under 18 years of age or under a legal disability. The bill exempts funds distributed under the act from Federal or State income taxes and consideration in determining eligibility for public assistance.

H.R. 10394 also apportions the subject funds on a 50–50 basis between the two tribes. All of the share of the Fort Peck Assiniboine Tribe would be distributed per capita to persons enrolled pursuant to the membership ordinance of the tribe, subject to the approval of the Secretary of the Interior. The bill contains the standard provision for protection of per capita shares of persons under 18 years of age or under a legal disability. The bill exempts funds distributed under the act from Federal or State income taxes and consideration in determining eligibility for public assistance.

The Indian Claims Commission granted an award of $3,108,506.40 to the Assiniboine Tribes of Indians residing upon the Fort Peck and Fort Belknap Reservations, Mont., on June 30, 1969, in docket No. 279–A. The award represents additional payment for the Assiniboines' interest in land in northern Montana equivalent to 3,883,633 acres, ceded under the act of May 1, 1888 (24 Stat. 113). Funds to cover the award were appropriated by the act of January 8, 1971 (85 Stat. 1981).

Attorney fees in the amount of $304,850.64 have been paid, as have attorney's expenses amounting to $1,748.11. A current financial statement is enclosed.

Both bills provide for an equal division of the funds between the two successor entities of the Assiniboine Tribe of the last century, the Assiniboine Tribe of the Fort Peck Reservation and the Assiniboine Tribe of the Fort Belknap Reservation, both of Montana. These entities, as represented by their respective treaty committees, have agreed to an equal division of the funds, the Fort Belknap group by resolution of June 9, 1971, and the Fort Peck group by resolution of April 10, 1971.

However, neither group of Assiniboines has presented a plan for the programing or distribution of its portion of the funds. Accordingly, we are unable to support the distribution formula of either bill. Instead, we propose the attached substitute bill which would provide that the judgment funds could be utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary of the Interior and the appropriate committees of the Congress.

In addition, we cannot support the enrollment criteria contained in the two bills because they fail to deal adequately with two factors: (1) the awards in docket 279–A are shared by groups which do not in themselves form single, organized, reservation-based tribes; (2) these groups have intermarried to a considerable extent. Specifically, Sioux and Assiniboine form the total organized Assiniboine and Sioux Tribes of Fort Peck, and there is extensive intermarriage between these two groups. Assiniboine and Gros Ventre form the total organized Fort Belknap Community, and in this case there is also extensive intermarriage.

The criteria provided for the Fort Peck Assiniboine Tribe in H.R. 10394 are based on what is referred to as an Assiniboine tribal enrollment ordinance. This "ordinance," apparently a resolution developed by a very small group of Fort Peck Assiniboine people in 1958, is sometimes called the Fort Peck Assiniboine Constitution. The resolution provides for the utilization of a 1932 Assiniboine roll, but neither it nor any other document has ever been approved as a Fort Peck Assiniboine Constitution. The 1932 roll is comprised of persons of at least one-quarter Assiniboine ancestry. The use of this roll would prevent a large number of otherwise eligible individuals from participating in the distribution of the Assiniboine award. We believe that every person of lineal Assiniboine descent should participate in this distribution unless he participates in one of the other distributions in docket No. 279–A.

H.R. 10393 provides rather complex enrollment criteria for the Fort Belknap Assiniboine Tribe. Eligible persons would be each living

Assiniboine allottee and each living Assiniboine enrollee who received cash instead of land, regardless of degree of blood: and each descendant, of at least one-quarter Assiniboine blood, of those in the above categories. Such descendants would not be able to claim any rights in any other Indian tribe. Again, to insure that insofar as possible all members of both organized tribes, Sioux and Assiniboine in one instance and Gros Ventre and Assiniboine in the other, share in one award or the other, we do not support a quarter-blood limitation. (In a very few instances, tribal members will not share in any of these awards because their Indian ancestry is derived from still other groups such as Plains Ojibwa.) Moreover, we see no point in complicating the criteria by making reference to allottees and nonallottees.

Section 2 of our attached substitute bill contains the enrollment criteria which we favor for both the Fort Belknap and the Fort Peck Assiniboines:

"SEC. 2. The Secretary shall prepare rolls of all members of the organized Fort Belknap Community and the organized Assiniboine and Sioux Tribes of Fort Peck who were born on or prior to and are living on the date of this Act and are of Assiniboine lineal ancestry. Persons in the following categories shall not be so enrolled: all those members of the Fort Peck Tribes who have participated in a distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the Fort Peck Sioux judgment in docket numbered 279–A: and all those members of the Fort Belknap Community who have a greater degree of Gros Ventre ancestry than of Assiniboine ancestry. Persons who have equal Gros Ventre and Assiniboine ancestry shall elect with which group they desire to be enrolled for purposes of this Act or any Act to effect the disposition of the Gros Ventre judgment in docket numbered 279–A."

These provisions are in accord with previous legislation. The Fort Peck Sioux award was the first to be granted in docket 279–A, and is the first to have been distributed. Under the provisions of the act of June 19, 1970 (84 Stat. 313), distribution of Fort Peck Sioux funds was made to those members of the Assiniboine and Sioux Tribes who had more Sioux ancestry than Assiniboine ancestry. Those with equal Assiniboine and Sioux ancestry were required to make a choice. (A number of per capita shares are being withheld because in some instances individuals had been previously listed as Sioux, although they appear to be primarily of Assiniboine ancestry.)

Similarly, Public Law 92–254, which provided for distribution of the Gros Ventre award in docket 279–A, specified that persons with greater degree of Assiniboine ancestry than of Gros Ventre not be eligible to participate in the Gros Ventre award and required persons of equal Gros Ventre and Assiniboine ancestry to choose which award in which they would share.

Under section 2 of our substitute bill persons who have participated in the Fort Peck Sioux award would not be enrolled; either would those who are of greater degree of Gros Ventre ancestry than of Assiniboine ancestry. Individuals of equal ancestry would be required to make a choice. Assiniboine lineal ancestry is required, but no particular blood quantum thereof. This provision is the "mirror image" of those in the other docket 279–A judgment bills and, we believe, is fair to all members of the communities and tribes involved.

Section 4 of the substitute bill provides: "None of the funds distributed per capita under the provisions of this Act shall be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act. The provision of this section regarding eligibility for assistance under the Social Security Act is enacted in recognition of unique circumstances applicable to the tribe involved, and shall not be regarded as a precedent or as a general policy for application to other tribes."

The welfare exemption carries over a similar provision in Public Law 92-254, which dealt with the Blackfeet and Gros Ventre portions of the award in docket 279-A. Since a large percentage of Assiniboine descendants live in the same community (Fort Belknap) with the Gros Ventre people and, indeed, form a single tribal entity with them, equity dictates that, at least as to the Fort Belknap Assiniboines, a similar welfare provision be included in his bill. Moreover, to include such a provision in favor of the Fort Belknap Assiniboine but not as to the Fort Peck and other Assiniboines would seem inequitable and would cause friction between the groups. Accordingly, we believe such a provision should be applied to all enrollees in the Assiniboine Tribes. The provision of Public Law 92-254 concludes by stating that the welfare exemption applies to the unique situation of the tribes involved (Blackfeet and Gros Ventre) and should not be construed as a precedent or general policy to be applied to other tribes. Because of their near-identity with and proximity to the Gros Ventre and considerations of equity, we believe that the Assiniboines share in the unique circumstances that led to the inclusion of the welfare exemption in the previous legislation. However, we believe the same disclaimer should be applied to the Assiniboines and have incorporated it into the substitute bill.

Social and economic reports on the situation of the Fort Peck Tribes and the Fort Belknap Community have been submitted in connection with departmental reports on the Blackfeet-Gros Ventre and Fort Peck Sioux cases. A current financial statement on the Assiniboine Tribes is enclosed.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

Financial statement as of close of business Jan. 4, 1972, Assiniboine Tribes of Indians, Indian Claims Commission docket 279-A

Trust Fund Symbol and Title	
14X7256 Awards of Indian Claims Commission The Assiniboines Tribes of Indians, Docket No. 279-A	
Award	$3,108,506.40
This award was appropriated by the act of Jan. 8, 1971. (84 Stat. 1998).	
Interest accrued on funds held in the U.S. Treasury through June 30, 1971	5,528.38
Income on matured investments	73,380.25
Subtotal	3,187,415.03
Allotted for:	

Attorneys' fee	$304,850.64	
Program planning	27,500.00	
Attorneys' expenses	1,748.11	−334,098.75
Current investments		−2,847,787.90
Unobligated balance in the U.S. Treasury		[1] 5,528.38

[1] 14×7256 a 0.00
14×7756 b 528.38

A BILL To provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket numbered 279–A, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1998), to pay a judgment to the Assiniboine Tribes in Indian Claims Commission docket numbered 279–A, and the interest thereon, after payment of attorney fees and litigation expenses and the costs of effecting the provisions of this Act, shall be divided equally between the Assiniboine Tribe of the Fort Peck Reservation, Montana, and the Assiniboine Tribe of the Fort Belknap Reservation, Montana, and utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary of the Interior and the appropriate committees of the Congress.

SEC. 2. The Secretary shall prepare rolls of all members of the organized Fort Belknap Community and the organized Assiniboine and Sioux Tribes of Fort Peck who were born on or prior to and are living on the date of this Act and are of Assiniboine lineal ancestry. Persons in the following categories shall not be so enrolled: all those members of the Fort Peck Tribes who have participated in a distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the Fort Peck Sioux judgment in docket numbered 279–A; and all those members of the Fort Belknap Community who have a greater degree of Gros Ventre ancestry than of Assiniboine ancestry. Persons who have equal Gros Ventre and Assiniboine ancestry shall elect with which group they desire to be enrolled for purposes of this Act or any Act to effect the disposition of the Gros Ventre judgment in docket numbered 279–A.

SEC. 3. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes; and none of the funds shall be distributed to persons other than those enrolled under the provisions of section 2 of this Act. Sums payable to enrollees under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will appropriately protect the best interests of such persons.

SEC. 4. None of the funds distributed per capita under the provisions of this Act shall be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act. The provision of this section regarding eligibility for assistance under the Social Security Act is enacted in recognition of unique circumstances applicable to the tribe involved, and shall not be regarded as a precedent or as a general policy for application to other tribes.

SEC. 5. The Secretary is authorized to prescribe rules and regulations to effect the provisions of this Act, including the establishment of deadlines.

Request to change draft bill to show 20% to treaty committee, not tribal council (governing body)

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

FORT BELKNAP AGENCY

HARLEM, MONTANA 59526

REC'D NOV 30 1981

IN REPLY REFER TO:
Administration

November 24, 1981

Ms. Virginia Boylan
Select Committee on Indian Affairs
Office of Senator John Melcher
United States Senate
Washington, D.C. 20510

Dear Sir: or Madam:

We had a meeting with members of the Assiniboine Treaty Committee and members of the Gros Ventre Treaty Committee to discuss the contents of the draft bill for distribution of funds awarded to the Blackfeet, Gros Ventre, and Assiniboine Tribes of Montana. The language of the draft bill in dockets numbered 250-A and 279-C awarded by the United States Court of Claims was reviewed.

There are some changes in the wording that were recommended by the Assiniboine and Gros Ventre Tribes of the Fort Belknap Reservation.

Section 3 (b) twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Assiniboine Tribe of the Fort Belknap Indian Community. The governing body of such tribe is authorized to utilize such funds on a budgetary basis, subject to the approval of the Secretary, for social and economic programs. Such programs may include but are not limited to land acquisitions and the development of local reservation projects.

In section 3 (b) the wording should be changed to read: "The existing Assiniboine Treaty Committee of the Assiniboine Tribe is authorized to utilize such funds on a budgetary basis, subject to the approval of the Secretary, for social and eccnomic programs."

Section 4 (b) twenty per centrum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Gros Ventre Tribe of the Fort Belknap Indian Community. The governing body of such Tribe is authorized to utilize such funds on a budgetary basis, subject, to the approval of the Secretary, for social and economic programs. Such programs may include but are not limited to land acquisitions and the development of local reservation projects.

In section 4 (b) the wording should be changed to read: "The existing Gros Ventre Treaty Committee of the Gros Ventre Tribe is authorized to utilize such funds on a budgetary basis, subject to the approval of the Secretary, for social and economic programs."

We would appreciate your changing sections 3 (b) and 4 (b) as recommended by the two committees. The reason for these changes is this --- that there is a governing body, the Fort Belknap Community Council, which is an elected body and composed of six members of the Assiniboine Tribe and six members of the Gros Ventre Tribe. This council is the Tribal Government and is responsible for the Affairs of both Tribes.

The Treaty Committees are separate and have the responsibility of Treaty Affairs, judgement funds, and claims against the United States.

The twenty per centum set aside and held in trust should be the responsibility of each of the Treaty Committees.

It is hoped that we have provided your office with the information needed to change the wording of these two sections.

If you have any questions, please contact this office.

Sincerely yours,

Elmer M. Main

Elmer M. Main
Superintendent

A B I L L

To provide for the use and distribution of funds awarded the Blackfeet & Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian Community, et al. in dockets numbered 250-A and 279-C by the United States Court of Claims and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of the law, the funds appropriated on January 23, 1981, in accordance with Section 1302 of the Supplemental Appropriation Act, 31 U.S.C.724a, in satisfaction of a judgment awarded to the Blackfeet & Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian Community in dockets numbered 250-A and 279-C of the United States Court of Claims (less attorney fees and litigation expenses), including all interest and investment income accrued, shall be distributed and used as herein provided.

Sec. 2. The funds appropriated to the Blackfeet Tribe of the Blackfeet Reservation, Montana, in docket 279-C, amounting to $400,000.00, shall be held in trust and invested by the Secretary of the Interior (hereinafter "Secretary") for the benefit of the members of the Blackfeet Tribe. The governing body of such tribe is authorized to utilize such funds on a budgetary basis, subject to the approval of the Secretary, for governmental operation and social and economic programs.

Sec. 3. The funds appropriated to the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, in docket 250-A, amounting to $2,170,013.00 shall be used and distributed as follows provided that no person shall be eligible to share in more than one award in his own right.

(a) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all persons duly enrolled as Assiniboine [redacted] members of the Fort Belknap Indian Community and born on or prior to and living on the date of the Act.

(b) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Assiniboine Tribe of the Fort Belknap Indian Community. THE EXISTING ASSINIBOINE TREATY COMMITTEE ~~The governing body of such tribe is authorized to~~ utilize such funds on a budgetary basis, subject to the approval of the Secretary, for social and economic programs. Such programs may include but are not limited to land acquisitions and the development of local reservation projects.

Sec. 4. The funds appropriated to the Gros Ventre Tribe of the Fort Belknap Indian Community, Montana, in docket 279-C, amounting to $2,094,987.00, shall be used and distributed as follows, provided that no person shall be eligible to share in more than one award in his own right.

(a) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all persons duly enrolled as Gros Ventre members of the Fort Belknap Indian Community and born on or prior to and living on the date of this Act.

(b) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Gros Ventre Tribe of the Fort Belknap Indian Community. THE EXISTING GROS VENTRE TREATY COMMITTEE ~~The governing body of such tribe~~ is authorized to utilize such funds on a budgetary basis, subject to the approval of the Secretary, for social and economic programs. Such programs may include but are not limited to land acquisitions and the development of local reservation projects.

Sec. 5. The per capita shares of living competent adults shall be paid directly to them. Per capita shares of deceased individual beneficiaries shall be determined and distributed pursuant to regulations prescribed by the Secretary. Per capita shares of legal incompetents and per capita shares of individuals under age eighteen shall be paid in accordance with such procedures, including the

establishment of trusts, as the Secretary determines to be necessary to protect and preserve the interests of such individuals.

Sec. 6. None of the funds distributed per capita or held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act.

Sec. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Substitute language for Sec. 4(a):

(a) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all persons duly enrolled as members of the Fort Belknap Indian Community of at least one-quarter degree Gros Ventre blood and born on or prior to and living on the date of this Act.

Assiniboine and Gros Ventre Program Plans submitted by Agency Superintendent to Billings on June 18, 1981

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
FORT BELKNAP AGENCY
HARLEM, MONTANA 59526

IN REPLY REFER TO:
Administration

June 18, 1981

Memorandum

To: Area Director - Billings Area Office
Attn: Tribal Operations

From: Office of the Superintendent - Ft. Belknap Agency

Subject: Program Plans - Dockets 250-A and 279-C

We have prepared resolutions from each tribe, the Gros Ventre and Assiniboines, regarding the distribution of judgement funds awarded through Dockets 250-A and 279-C respectively. These resolutions are for eighty (80%) per cent per capita to eligible individuals, and twenty (20%) per cent for investment and income accrued shall be made available to the two tribes for social and economic programs.

Also, we have prepared a summary of meetings and hearings in which both tribes discussed the plans for distribution of these judgement funds. The Gros Ventre Tribe had four general meetings and the Assiniboine Tribe had two general meetings. The Gros Ventre Tribe in their meetings held fast on limiting payment to those who have one fourth (1/4) or more Gros Ventre blood. The Assiniboines in their second meeting voted to pay all Assiniboines who were paid in the per capita payment of 1973.

The action of the Gros Ventre Tribe to limit payment to those who are one fourth (1/4) or more Gros Ventre has caused some concern by some individuals who would be excluded from receiving a per capita payment because of lack of sufficient Gros Ventre blood. The Superintendent of Fort Belknap Agency cautioned the Gros Ventre Tribe to this action of a possible suit and being taken to court. They were reminded of the Court action resulting from similar action that was taken on August 6, 1968 in which the Gros Ventre Tribe placed all those less than one fourth Gros Ventre on a protest list.

The Tribe, nevertheless, voted to limit payment to those individuals who possess one fourth or more Gros Ventre.

The Supreme Court eventually ruled in favor of those Gros Ventres who were under protest and declared them eligible for a per capita payment from judgement funds paid in 1972. The Assiniboines were in a similar situation, but were affected by the ruling made on the Gros Ventre Tribe. As a result of this Court action, the Assiniboines voted to pay everyone that was paid in 1973.

We are submitting these documents for your review and action to the Office of the Assistant Secretary. We feel that a suit to include those less than one fourth Gros Ventre is inevitable. This office does not feel comfortable in view of what has occurred in the protest case on Docket 279-A, 1972.

The Tribal Attorney has indicated that the Gros Ventre Tribe has acted within the provisions of the Corporate Charter.

We would appreciate your comments on this matter.

All meetings were conducted in accordance with the required procedures relative to the handling of judgement funds.

Elmer M. Malee
Superintendent

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

FORT BELKNAP AGENCY

HARLEM, MONTANA 59526

IN REPLY REFER TO:
Administration

June 18, 1981

Memorandum

To: Area Director - Billings Area Office
Attn: Tribal Operations

From: Office of the Superintendent - Ft. Belknap Agency

Subject: Final Plans - Docket 279-C Gros Ventre Tribe of Montana

On February 22, 1981 the Gros Ventre Tribe had a general meeting at the St. Paul's Mission recreation center. There were 168 members present. Docket No 279-C was explained by the Superintendent making the people aware of the 20% program set aside requirements.

This meeting was published in the local papers, over the radio and posters displayed at prominent locations throughout the reservation.

Several projects were introduced. A burial insurance fund. The purchase of a ranch with land, a recreation program for all reservation youngsters. An investment plan where per capita would be paid from the interest. Investing 100% using the interest for per capita.

Many of these plans did not meet with approval from the majority of those present. The meeting adjourned with the announcement of another meeting for March 15, 1981. The question of eligibility was discussed. Should those less than one fourth (1/4) Gros Ventre be included? By an overwhelming show of hands the Gros Ventre Tribe decided that those who are one fourth (1/4) or more Gros Ventre should participate in the per capita payment. There were some objections to this vote on the part of those affected.

Another Gros Ventre Tribal meeting was held March 15, 1981 at the St. Paul's Mission gymnasium. Much of the same discussions on the 20% set aside for Tribal programs with very littel resolved. The 80% per capita payment was definitely passed by an almost unanimous majority. The twenty (20) per cent program set aside is still to be decided.

Before adjourning the Gros Ventre Tribe decided to meet again on March 31, 1981 with definite plans to program the 20%.

On April 26, 1981 another meeting was held at the St. Paul's Mission recreation Center at Hays, Montana.

This was a very short meeting. Hand outs were distributed with several suggestions written up from the Tribal members at large.

It come right down to the one plan that everyone seemed to agree on. This plan was to invest the twenty (20) per cent and use the income accrued for social and economic programs. A motion was made by one of the Tribal members, seconded by another and passed unanimously by all eligible adults present. The next item of business was to decide the eligibility for per capita. It was reiterated from the first meeting that an individual must be one fourth (1/4) or more Gros Ventre to be eligible for a per capita payment. The meeting adjourned.

A fourth meeting was held on May 20, 1981 at the Fort Belknap Agency roller rink to reassure the Gros Ventre Tribal members that the decisions that were made at the April 26, 1981 meeting were the plans that the Gros Ventre Tribe should submit by a formal resolution.

The resolution was prepared by the Fort Belknap Tribal Attorney and accompanys this plan.

All general meetings were well published and good representation and participation from the Gros Ventre members resulted in this final plan.

We recommend that this plan be approved.

Elmer M Main
Superintendent

encl.

PROPOSAL FOR THE FORT BELKNAP GROS VENTRE TRIBE
FOR THE DISTRIBUTION OF JUDGEMENT FUNDS FOR DOCKET 279-C

PROPOSAL

The funds appropriated on January 9, 1981 for Docket 279-C in satisfaction of the award granted to the Fort Belknap Gros Ventre Tribe of Montana before the Unted States Court of Claims, less Attorney fees and litigation expenses, and including all interest and investment accrued, shall be used and distributed herein.

PER CAPITA PAYMENT ASPECT

Eighty (80) per cent of such funds shall be invested by the Secretary of the Interior (hereinafter, "Secretary") in the form of the per capita payments, in a sum as equal as possible, to all persons duly enrolled as Tribal members and born on or prior to and living on the effective date of this plan.

PROGRAMMING ASPECT

Twenty (20) per cent of such funds shall be invested by the Secretary and the principle and interest and the investment income accrued shall be available to the Gros Ventre Tribe, subject to the approval of the Secretary, for social and economic programs. Such programs may include but are not limited to land acquisitions and the development of local reservation projects.

GENERAL PROVISIONS

The per capita shares of living competent adults shall be paid directly to them. Shares of deceased individual beneficiaries shall be determined and distributed in accordance wtih 43 CFR, Part 4, Subpart D; shares of legally incompetent adults shall be handled pursuant to 25 CFR, 104.5. Shares of minors shall be handled pursuant to CFR, 60.10 (a) and (b), and (1) and 104.4.

None of the funds distributed per capita or made available under the programming aspects of this plan shall be subject to Federal or state income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs.

EFFECTIVE DATE OF PLAN

The effective date of the plan is about sixty (60) working days after the plan is submitted to Congress.

ELIGIBILITY FOR PER CAPITA PAYMENT

All persons who are enrolled members of the Tribe who are one fourth (1/4) or more Gros Ventre on the effective date of the plan are eligible for per capita payments in addition those persons entitled to enrollment on the effective date of the plan but who are not enrolled shall be eligible for per capita payment, provided such persons file an application for enrollment before the effective date of the plan.

To receive a per capita a person otherwise eligible must be living on the effective date of the plan.

TRIBAL CHAIRMAN

SUPERINTENDENT

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
FORT BELKNAP AGENCY
HARLEM, MONTANA 59526

IN REPLY REFER TO:
Administration

June 18, 1981

Memorandum

To: Area Director - BillingsArea Office
Attn: Tribal Operations

From: Office of the Superintendent - Ft. Belknap Agency

Subject: Final Plans - Docket 250-A Assiniboine Tribe

On Tuesday, January 20, 1981 a general meeting was held by the members of the Assiniboine Tribe. A good representation was present. The meeting was published in the local paper, posters and word of mouth.

The meeting lasted for one hour in which time the Assiniboine Treaty Committee and the Superintendent explained the procedure for distribution of judgement funds awarded through Docket 250-A. The twenty (20) per cent set aside for Tribal programs was explained. The Tribal members were advised that this was a regulation in awarding judgement funds. Several plans were discussed on the distribution. The most popular plan was to pay eighty (80) per cent per capita and program twenty (20) per cent.

The question of eligibility to participate in per capita was raised. A motion was passed to have the cut off date for enrollment in the Assiniboine Tribe was set at June 1, 1981. Any Assiniboine member living on that date would be eligible for a per capita payment.

Before this meeting adjourned, the Chairman advised the Tribe that another meeting would be held on March 31, 1981 at the Fort Belknap roller rink. The Tribe was told to consider plans on how to deal with the twenty (20) percent program plans.

On March 31, 1981, the Assiniboine Tribe gathered at the roller rink to discuss further the distribution of judgement funds through Docket 250-A. This was a short meeting. Two plans were presented, one was to set up a burial fund, and the other was to set up a recreation program for young people. Both plans were rejected as either too expensive or every Tribal member would not benefit.

A third plan was presented and acted upon. A motion was made that eighty (80) per cent of judgement funds awarded through Docket 250-A be made in per capita payments, and twenty (20) per cent to be invested by the Secretary for social and economic program on the Fort Belknap reservation.

The Assiniboine Tribe authorized the Assiniboine Treaty Committee to prepare a resolution to be submitted to the Area Director.

The meeting adjourned with all Tribal members in full agreement with the plan.

We recommend approval of this plan.

Charles M. Main
Superintendent

PROPOSAL FOR THE FORT BELKNAP ASSINIBOINE TRIBE
FOR THE DISTRIBUTION OF JUDGEMENT FUNDS FOR DOCKET 250-A

PROPOSAL

The funds appropriated on January 9, 1981 for Docket 250-A in satisfaction of the award granted to the Fort Belknap Assiniboine Tribe before the United States Court of Claims, less Attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

PER CAPITA PAYMENT ASPECT

Eighty (80) per cent of such funds shall be invested by the Secretary of the Interior (hereinafter, "Secretary") in the form of the per capita payments, in a sum as equal as possible, to all persons duly enrolled as Tribal members and born on or prior to and living on the effective date of this plan.

PROGRAMMING ASPECT

Twenty (20) per cent of such funds shall be invested by the Secretary and the principle and interest and the investment income accrued shall be available to the Assiniboine Tribe, subject to the approval of the Secretary, for social and economic programs. Such programs may include but are not limited to land acquisitions and the development of local reservation projects.

GENERAL PROVISIONS

The per capita shares of living competent adults shall be paid directly to them. Shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D; shares of legally incompetent adults shall be handled pursuant to 25 CFR, 104.5. Shares of minors shall be handled pursuant to CFR, 60.10 (a), and (b), and (1) and 104.4.

None of the funds distributed per capita or made available under the programming aspects of this plan shall be subject to Federal or state income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs.

EFFECTIVE DATE OF PLAN

The effective date of the plan is about sixty (60) working days after the plan is submitted to Congress.

ELIGIBILITY FOR PER CAPITA PAYMENT

All persons who are enrolled members of the Tribe on the effective date of the plan are eligible for per capita payments in addition those persons entitled to enrollment on the effective date of the plan but who are not enrolled shall be eligible for per capita payment, provided such persons file an application for enrollment before the effective date of the plan.

To receive a per capita a person otherwise eligible must be living on the effective date of the plan.

TRIBAL CHAIRMAN

SUPERINTENDENT